**KHARKIV COURT OF APPEALS**

**RESOLVED**

KHARKIV COURT OF APPEALS

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Case No. 953/2692/23 Chairman of the 1st instance: PERSON_1

Appeal proceedings No. 11-cc/818/606/23 Speaker PERSON_2

Category: custody

RESOLVED

IN THE NAME OF UKRAINE

On May 30, 2023, the panel of judges of the criminal trial chamber of the Kharkiv Court of Appeals consisted of:

presiding PERSON_2,

judges PERSON_3, PERSON_4,

court session secretary PERSON_5

with the participation of the prosecutor PERSON_6

defender PERSON_7

having considered in an open court session in the city of Kharkiv the appeals of the defender PERSON_7 and the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_6 against the decision of the investigating judge of the Kyiv District Court of Kharkiv from May 1, 2023, which satisfied the petition of the investigator of the Office of the Security Service of Ukraine in the Kharkiv Region PERSON_8, agreed by the prosecutor of the Kharkiv Regional Prosecutor's Office of the Prosecutor's Office PERSON_6, and a preventive measure in the form of detention was applied to the suspect PERSON_9 (PERSON_10), INFORMATION_1, in criminal proceedings No. 22022220000000618 of April 12, 2022, on the grounds of criminal offenses provided for in part 2, 3 of article 436-2 of the Criminal Code of Ukraine , until June 29, 2023,-

V S T A N O V Y L A:

Summary of the contested judgment and the circumstances established by the court of first instance.

The Office of the Security Service of Ukraine in the Kharkiv region is conducting a pre-trial investigation in criminal proceedings No. 22022220000000618 dated April 12, 2022 on the

grounds of criminal offenses provided for in part 2, 3 of article 436-2 of the Criminal Code of Ukraine.

According to the version of the pre-trial investigation body, PERSON_9 in the period from March to April 2022 and in the period from December 2022 to January 2023, being at his place of residence: ADDRESS_1, using his own mobile phone and electronic device with built-in cameras, using Telegram channel called "INFO_2", as well as accounts on the video hosting service "Youtube" called "INFO_2", in which he is an administrator and which are open and publicly available for viewing by an unspecified number of people, produced text and video materials that contain information about the justification , recognition as legitimate, denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014, including by creating an image of the armed aggression of the Russian Federation against Ukraine as an internal civil conflict, justification,recognition of the temporary occupation of part of the territory of Ukraine as legitimate, glorification of persons who carried out armed aggression of the Russian Federation against Ukraine, who became available for review by an unspecified number of persons.

On May 1, 2023, PERSON_9 was served with a notice of suspicion under part 2 of article 436-2, part 3 of article 436-2 of the Criminal Code of Ukraine.

On 01.05.2023, the investigator turned to the investigating judge with a request, agreed with the prosecutor, to apply a preventive measure in the form of detention in relation to the suspect

PERSON_9 justification of the motion, the investigator referred to the existence of a well-founded suspicion that the suspect committed crimes, provided for in part 2, 3 of article 436-2 of the Criminal Code of Ukraine, and the presence of risks, provided for in items 1, 2, 5 of the article. 177 of the Criminal Procedure Code of Ukraine, which indicates the impossibility of preventing them by applying to the suspect other, milder preventive measures than detention and determining the amount of bail, which exceeds 80 amounts of the subsistence minimum for able-bodied persons.

By the decision of the investigative judge of the Kyiv District Court. Kharkiv dated 05/01/2023, the investigator's request was granted and PERSON_9 (Lira Lopez Gonzalo Angel Quintilio) was placed in custody in the "Kharkiv Investigative Detention Center" during the pre-trial investigation until June 29, 2023, inclusive.

The amount of the bail was determined to be UAH 402,600, which can be deposited into the deposit account of the TU DSA of Ukraine in the Kharkiv region before the end of the term of detention.

Upon payment of a certain amount of bail, it was decided to release PERSON_9 from custody and impose on him the following obligations for a period of two months: to appear before the investigator, the prosecutor, the court at the first summons; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence at the address: ADDRESS_1; carry an electronic device with a contra.

Requirements of the appeal and generalized arguments of the person who filed it.

In the appeal, the defense attorney of PERSON_7 asks to cancel the decision of the investigating judge and issue a new one, which would choose a preventive measure for the

suspect in the form of a personal commitment or reduce the bail to 20 times the subsistence minimum for able-bodied persons.

In the substantiation of the appeal claims, he notes that the prosecution has not proven and substantiated the existence of sufficient grounds to believe that there is at least one of the risks provided for in Article 177 of the Criminal Procedure Code of Ukraine, as well as the pre-trial investigation body chose the wrong qualification of the suspect's actions.

Notes that the investigating judge did not take into account the financial condition of the suspect and set an excessive amount of bail, which is unreasonable for him, and also the court did not take into account the fact that the suspect is a citizen of the United States and PERSON_11, not previously convicted, has a permanent residence in Kharkiv and is the father of two minor children.

The prosecutor in the criminal proceedings also filed an appeal in which he asks to cancel the decision of the investigating judge in the part of determining the amount of bail and to issue a new one in this part, which determines the bail in the amount of 745 subsistence minimums for able-bodied persons, which is 2,000,000 UAH.

In the justification of the appeal, it is noted that the investigating judge did not take into account the degree of public danger of the criminal offense committed by the suspect when choosing the amount of bail.

Indicates that the suspect explained that the source of his income is entrepreneurial activity, work with securities, real estate outside Ukraine, distribution of videos created by him personally on his own accounts on the YouTube network, and according to the available information, as of now , three YouTube channels administered by the suspect have a total of 334,000 subscribers and 274 posts with a total of approximately 22 million views. According to available and publicly available data on the Internet, the targeted total income of the channel owner, taking into account the number of recordings, views, subscribers, can be from 0.5 to 6 dollars per 1000 views due to channel monetization, depending on the location and targeted information placed in the videos. In addition,

The defender of PERSON_7 in the court session supported the requirements of the appeal and asked to satisfy them in full, also referred to the fact that PERSON_9 is not the subject of the incriminated crime, as he is not a citizen of Ukraine, and the qualification is according to part 3 of article 436-2 of the Criminal Code of Ukraine artificially created in view of the identity of ongoing actions.

Positions of other participants in the court proceedings

Having heard the judge-rapporteur, the defense counsel's arguments for supporting the demands of his appeal, the arguments of the prosecutor who supported the appeal filed by him, having checked the materials of the proceedings, discussed the arguments of the appeals, the panel of judges believes that they cannot be satisfied in view of the following.

Motives of the court

According to Part 1 of Article 404 of the Criminal Procedure Code of Ukraine, the appellate court reviews the court decisions of the first instance court within the scope of the appeal.

Article 370 of the Criminal Procedure Code of Ukraine establishes that a court decision must be legal, justified and motivated. Legal is a decision made by a competent court in accordance

with the norms of substantive law in compliance with the requirements for criminal proceedings provided for in this Code.

The criminal procedural legislation of Ukraine consists of the relevant provisions of the Constitution of Ukraine, international treaties, the binding consent of which was given by the Verkhovna Rada of Ukraine, this Code and other laws of Ukraine. According to Part 5 of Article 9 of the Criminal Code of Ukraine, the criminal procedural legislation of Ukraine is applied taking into account the practice of the European Court of Human Rights.

The Convention on the Protection of Human Rights and Fundamental Freedoms (hereinafter the Convention) and the Protocols to it are part of the national legislation of Ukraine, in accordance with Article 9 of the Constitution of Ukraine, as a valid international treaty, the binding consent of which was given by the Verkhovna Rada of Ukraine. In addition, Article 17 of the Law of Ukraine No. 3477-IV "On the Implementation of Decisions and Application of the Practice of the European Court of Human Rights" provides for the application by courts of the Convention and the practice of the ECHR as a source of law, and Article 18 of this Law determines the procedure for referring to the Convention and the practice of the court.

According to Article 3 of the Universal Declaration of Human Rights, Article 5 of the Convention, Clause 3 of the Resolution of the Plenum of the Supreme Court of Ukraine dated April 25, 2003 No. 4 "On the practice of courts applying a preventive measure in the form of detention and extension of the terms of detention at the stages of investigation and pre-trial investigation", a preventive measure in the form of detention is chosen only when, based on the factual data available in the case, it can be asserted with a certain probability that other preventive measures will not ensure proper procedural behavior of the suspect, the accused.

When considering an appeal, the panel of judges checks compliance by the investigating judge with the requirements of Articles 177 and 178 of the Criminal Procedure Code of Ukraine and takes into account all factors and circumstances provided for by the specified norms of the Criminal Procedure Law.

Based on the content of Part 2 of Article 177 of the Criminal Code of Ukraine, the basis for the application of a preventive measure is the existence of a well-founded suspicion that a person has committed a criminal offense, as well as the existence of risks that give sufficient grounds to the investigating judge, the court to believe that the suspect, accused, convicted person can carry out actions , provided for in Part 1 of Article 177 of the Criminal Procedure Code of Ukraine.

The investigating judge, while verifying the legality and validity of the request for the application of a preventive measure in detention against the suspect PERSON_9, in accordance with the requirements of Articles 193, 194 of the Criminal Code of Ukraine, heard the arguments of the participants in the court proceedings, properly investigated the factual circumstances specified in the investigator's request, and reached a motivated decision a conclusion about the necessity of selecting such an exceptional type of preventive measure as detention in relation to the suspect, since the latter is reasonably suspected of committing the crimes provided for in part 2, 3 of article 436-2 of the Criminal Code of Ukraine, and the existence of the most reasonable suspicion is confirmed by the relevant written evidence collected during the pre-trial investigation.

The Code of Criminal Procedure of Ukraine does not contain a definition of the term "reasonable suspicion" and the definition of the meaning of the concept of "suspicion" determines the need to take into account the practice of the European Court of Human Rights

on the application of criminal procedural legislation (Part 1, Article 9 of the Code of Criminal Procedure of Ukraine).

According to the decisions of the ECtHR in the cases "Ilgar Mammadov v. Azerbaijan p. 88", "Erdagozv. Turkey p. 51", "Cebotari v. Moldova p. 48" "reasonable suspicion" presupposes the presence of facts or information that could convince an objective observer that the relevant person could have committed a crime. In addition, the European Court in its practice has repeatedly noted that the facts that are the cause of suspicion should not be as convincing as those that are necessary to justify a guilty verdict or indictment, in particular in the decision "Murray v. the United Kingdom ".

At the same time, the facts confirming the reasonable suspicion should not be of the same level as the facts on which the guilty verdict should be based. The standard of proof "reasonable suspicion" does not provide that the authorized bodies should operate with evidence sufficient to present an accusation or pass a guilty verdict, which is associated with a lower degree of probability necessary at the early stages of criminal proceedings to limit a person's rights.

In accordance with the requirements of clauses 4, 5, part 1 of article 277 of the Criminal Procedure Code of Ukraine, a written notification of suspicion is drawn up by a prosecutor or an investigator in agreement with the prosecutor. The notification must contain, in particular, the following information: the content of the suspicion, the legal qualification of the criminal offense of which the person is suspected, with an indication of the article (part of the article) of the Law of Ukraine on criminal responsibility.

As can be seen from the materials submitted to the appellate court, in the notice of suspicion based on the characteristics of the crimes provided for in part 2, 3 of article 436-2 of the Criminal Code of Ukraine, the content of the suspicion and the legal qualification of the criminal offense, which the latter is suspected of committing, are indicated, indicating the articles ( part of the article) of the Law of Ukraine on criminal liability.

The validity of the suspicion that the suspect has committed the crimes charged against him, provided for in part 2, 3 of article 436-2 of the Criminal Code of Ukraine, is confirmed by the information contained in: search protocols dated 04/15/2022 and 05/01/2023; inspection protocols of things and documents dated 04/19/2022 and 04/21/2023, for the period 03/01/2023-03/06/2023; by the conclusion of the expert of KhNDISE named after adv. Prof. M. S. Bokarius No. 797/798/56-62/63-69 dated January 13, 2023; by the conclusion of the KNDISE expert No. 8719/23-39 dated March 27, 2023.

Taking into account this amount of information, the materials of the court proceedings objectively testify that at this stage of the criminal proceedings the needs of the pre-trial investigation justify such interference with the rights of the suspect, as the taking of precautionary measures in connection with the existence of well-founded suspicion, as available in the materials of the proceedings the evidence forms an internal conviction, including for an outside observer, of the involvement of PERSON_9 in the commission of criminal offenses, according to the suspicion.

The panel of judges considers the defense counsel's reference about the incorrect qualification of the suspect's actions to be unfounded, since the investigating judge at this stage of the proceedings is not entitled to resolve the issues that the court must resolve during the consideration of the criminal proceedings on the merits, in particular, he is not entitled to evaluate the evidence from the point of view of their sufficiency and admissibility

to declare a person guilty or innocent of a crime, but is only obliged to determine, on the basis of a reasonable assessment of the totality of the received evidence, that the person's involvement in the commission of a criminal offense is probable and sufficient for the application of a restrictive measure against him.

Thus, the ECtHR in its decisions "Panchenko v. Russia" and "Bekchiev v. Moldova" repeatedly noted that the risk of the defendant's escape cannot be established only on the basis of the severity of the possible sentence. The assessment of such a risk must be carried out with reference to a number of other factors that can either confirm the existence of a risk of escape or indicate that it is unlikely and there is no need for detention. The risk of flight must be assessed in the light of factors related to the character of the person, his morality, place of residence, occupation, property status, family ties and all types of connection with the country in which such a person is subject to criminal prosecution.

In the decision on the case "W v. Switzerland" dated January 26, 1993, the ECtHR indicated that taking into account the gravity of the crime has its own rational meaning, since it indicates the degree of social danger of this person and allows predicting with a sufficiently high degree of probability his behavior, taking into account , that the future punishment for a serious crime increases the risk that the suspect may evade investigation.

The court of first instance also correctly took into account the actual circumstances (plots of the crime) according to the suspicion, namely that PERSON_9 is suspected of committing, including an intentional grave crime, namely the production and distribution of materials containing justification, recognition as legitimate , denial of the armed aggression of the Russian Federation against Ukraine, which began in 2014, including by presenting the armed aggression of the Russian Federation against Ukraine as an internal civil conflict, justification, recognition as legitimate, denial of the temporary occupation of part of the territory of Ukraine, as well as glorification of the persons who carried out the armed aggression the aggression of the Russian Federation against Ukraine, which began in 2014, has been committed repeatedly, which indicates the increased public danger of both the indicted crime and the suspect himself.

The panel of judges takes into account that the European Court of Human Rights in the case "Iliykov v. Bulgaria" noted that the "severity of the prescribed punishment" is an essential element when assessing the "risks of concealment or repeated commission of crimes." In the case "Letelier v. France" it is indicated that the particular severity of some crimes can cause such a reaction of society and social consequences that justify pre-trial detention as an exclusive measure of preventive measure for a certain time.

According to the established practice of the European Court of Human Rights, a person's right to freedom is fundamental, but not absolute, and may be limited in view of the public interest.

Under such circumstances, taking into account that the actions of the suspect PERSON_9, for the commission of which he was notified of the suspicion, are classified, among other things, as a serious crime, namely a criminal violation of peace, security of humanity of the international legal order, as a result of which the panel of judges sees that there is a public interest, which shows, however, that more ``what preventive measure, than detention, will not be able to prevent the risks provided for in clauses 1, 2, 5, part 1 of article 177 of the Criminal Procedure Code of Ukraine.

Under such circumstances, the panel of judges notes that precisely because of the public danger of such actions, there are objective reasons to believe that the suspect may hide from

law enforcement agencies and the court, destroy, hide, or distort any of the things or documents that are essential for establishing the circumstances of a criminal offense; commit another criminal offense , which in turn will lead to the violation of reasonable terms of the pre-trial investigation, as well as due observance by the parties of their procedural rights and obligations.

In addition, the ECtHR in its decisions "Panchenko v. Russia" and "Bekchiev v. Moldova" repeatedly noted that the risk of the defendant's escape cannot be established only on the basis of the severity of the possible sentence. The assessment of such a risk must be carried out with reference to a number of other factors that can either confirm the existence of a risk of escape or indicate that it is unlikely and there is no need for detention. The risk of flight must be assessed in the light of factors related to the character of the person, his morality, place of residence, occupation, property status, family ties and all types of connection with the country in which such a person is subject to criminal prosecution.

Thus, the defender's arguments that, in fact, only the seriousness of the incriminated crime formally became the only reason for choosing the most severe form of preventive measure - detention are unfounded.

Risks that give sufficient grounds to the investigating judge, the court to believe that the suspect may attempt to oppose criminal proceedings in the forms provided for in part 1 of Article 177 of the Criminal Code of the Criminal Code, should be considered to exist provided that a reasonable probability of the suspect's ability to carry out the specified actions is established.

At the same time, the Criminal Procedure Code does not require evidence that the suspect will necessarily (beyond any doubt) carry out the relevant actions, but requires evidence that he has a real opportunity to carry them out in a specific criminal proceeding in the future.

Under such circumstances, the arguments of the defense about the lack of evidence of the conclusions of the court of first instance on this matter and their declarativeness were not confirmed during the appeal proceedings, are not correct and cannot be taken into account, as they are not based on the information of the proceedings.

Taking into account the weight of the evidence and the validity of the suspicions, including a serious criminal offense against peace, human security and international law, which is punishable by restriction of liberty for a term of up to five years or deprivation of liberty for the same term, with or without confiscation of property, and also taking into account the identity of the suspect, the investigating judge, guided by the provisions of Part 1 of Article 194 of the Criminal Procedure Code of Ukraine, reasonably, taking into account the public interest, which in this case prevails over the private one, taking into account the presumption of innocence, justifies a departure from the principle of respect for personal freedom, reached the full a correct conclusion on the application of a preventive measure in the form of detention in relation to the suspect.

The panel of judges takes into account that the suspect has a permanent place of residence and registration in the city of Kharkiv, has no prior convictions, has minor children, however, such information does not refute or minimize the existing risks provided for in clauses 1, 2, 5, part 1 of Article 177 of the Criminal Procedure Code of Ukraine, which in this case can only be prevented by the use of such an exceptional preventive measure as detention. In addition, the specified circumstances existed at the time of the suspect's incriminated actions, however,

according to the suspicion, they did not become a deterrent for him to avoid committing actions in accordance with the notification of suspicion.

Thus, there are no grounds to believe that less strict preventive measures will be able to ensure proper procedural behavior of the suspect, therefore the panel of judges agrees with the decision of the investigating judge regarding the need to satisfy the investigator's request, since the investigator and the prosecutor fully proved to the court the circumstances that justify restricting the suspect's freedom precisely this method of procedural coercion.

In addition, the investigating judge takes into account all the grounds and circumstances provided for in Art. 178 of the Criminal Procedure Code of Ukraine, information about the person and the available evidence, about the suspect's commission of a criminal offense, the severity of the punishment that threatens him in the event of being found guilty and the circumstances provided for in Art. 177, 178 of the Criminal Procedure Code, according to which the court has the right to determine the amount of bail sufficient to ensure that the accused fulfills procedural obligations.

The size of the bail should be determined by the degree of trust at which the prospect of losing the bail will be a sufficient deterrent to deter the person against whom the bail is applied from the desire to obstruct the establishment of the truth in criminal proceedings in any way.

Taking into account the circumstances of the incriminated PERSON_9 of minor and serious criminal offenses, the property status of the suspect, the absence of strong social ties and an official source of income in Ukraine, the presence of risks provided for in clauses 1, 2, 5, part 1 of article 177 of the Criminal Procedure Code of Ukraine, the investigating judge came to the conclusion that the deposit in the amounts specified in clause 3, part 5 of Art. 182 of the Criminal Procedure Code of Ukraine is unable to ensure that the suspect fulfills the duties assigned to him properly, and therefore set bail in an amount that exceeds eighty of the subsistence minimum for able-bodied persons - 150 subsistence minimums for able-bodied persons, which amounts to UAH 402,600.

Based on the results of the appellate review, the panel of judges believes that the investigating judge came to a fully justified and correct conclusion regarding the need to apply bail in the amount determined by him.

Yes, the procedure for determining the size of the pledge is regulated by Art. 182 of the CCP.

The amount of bail is determined for a person suspected of committing a particularly serious criminal offense - from eighty to three hundred amounts of the subsistence minimum for able-bodied persons. In exceptional cases, if the court establishes that bail within the specified limits is not capable of ensuring that a person suspected of committing a serious or particularly serious criminal offense fulfills the duties assigned to him, bail may be set in an amount that exceeds eighty or three hundred subsistence minimum for able-bodied persons, respectively (clause 3, paragraph 1, paragraph 2, part 5, Article 182 of the Criminal Procedure Code).

The size of the bail is determined by the court taking into account the circumstances of the criminal offense, the property and family status of the suspect, other data about his person and the risks provided for in Art. 177 of the CCP. The size of the bail must sufficiently guarantee the suspect's performance of the duties assigned to him and cannot be knowingly excessive for him (Part 4 of Article 182 of the Criminal Procedure Code).

Therefore, on the one hand, the size of the bail should be such that the threat of its loss deters the suspect from intentions and attempts to violate the obligations imposed on him, and on the other hand, it should not be such that due to the obvious impossibility of fulfilling the conditions of this preventive measure until the person was sentenced to imprisonment without an alternative.

At the same time, the amount of the bail should be assessed taking into account the suspect himself, his assets and his relationship with the persons who are supposed to ensure his safety, in other words, the amount of the bail should be determined by the degree of trust (certainty) at which the prospect of losing the bail, in the event absence from court will be a sufficient deterrent to prevent a person from obstructing the establishment of the truth in criminal proceedings (paragraph 78 of the ECtHR decision of 09.28.2010 in the case of Mangouras v. Spain, application No. 12050/04).

The statement of the defense counsel in the appeal that the amount of bail chosen by the court for the suspect does not correspond to his property status and is known to be unreasonable for him is groundless, since it was chosen by the court within the limits established in accordance with the provisions of Part 5 of Article 182 of the Criminal Procedure Code of Ukraine, and the last evidence in this regard is purely subjective, taking into account the fact that during the search of the suspect's residential address, cash in the amount of USD 9,000 was found, which may indicate the suspect's relevant income.

At this stage of the proceedings, the panel of judges does not see a reason for reducing the amount of bail set by the court of first instance when choosing a preventive measure, which is the question raised by the defense attorney, since the materials of the criminal proceedings confirm the existence of circumstances that give reasons to believe that the amount of bail chosen by the court will be able to sufficiently guarantee the suspect's performance of the duties assigned to him.

Also, the panel of judges does not see grounds for meeting the requirements of the prosecutor's appeal, since the court of first instance, complying with the requirements of Art. 177-178, 183 of the Criminal Procedure Code of Ukraine, reasonably concluded in its decision about the possibility of applying a preventive measure in the form of detention with the determination of the amount of the bail, which in the event of its payment will become a reliable guarantee of the suspect's compliance with his procedural obligations, which is due to the legal consequences provided for in .8, 10 of Article 182 of the Criminal Procedure Code of Ukraine, and imposing additional duties on him: to appear at the investigator, prosecutor, court upon first summons; not to leave the city of Kharkiv without the permission of the investigator, prosecutor or court; notify the investigator, prosecutor or court about a change of residence at the address: ADDRESS_1; carry an electronic device with a counter, which, obviously, will ensure compliance with the requirements of Article 2 and part

The prosecutor's arguments about the suspect's more significant income, including income from viewing videos on his own accounts on the "Youtube" network, are not sufficient for the assertion of the exceptional nature of the circumstances of the criminal proceedings, which may entitle the investigating judge to go beyond the limits established by law when determining the amount of the bail, since such arguments are of the nature of assumptions, not supported by adequate evidence and do not justify a further increase in the amount of the bail, which was already increased by the investigating judge.

Under such circumstances, the panel of judges does not see grounds for assigning bail to the suspect in the amount of 745 subsistence minimums for able-bodied persons, since the

prosecutor did not provide sufficient circumstances that would indicate the existence of exceptional cases for the application of bail in a much larger amount than provided for by law.

Under such circumstances, the decision of the investigating judge in accordance with the requirements of Article 370 of the Criminal Procedure Code of Ukraine is legal, justified and motivated, and therefore the panel of judges does not see grounds for its cancellation, which is discussed in the appeals of the defense attorney and the prosecutor.

The panel of judges did not establish any significant violations of the requirements of the Criminal Procedure Code of Ukraine, which could be grounds for annulment of the decision of the investigating judge.

Based on the above, guided by Articles 407, 419, 422 of the Criminal Procedure Code of Ukraine, the panel of judges

ADOPTED:

The appeals of the defense attorney PERSON_7 and the prosecutor of the Kharkiv Regional Prosecutor's Office PERSON_6 are dismissed.

The decision of the investigative judge of the Kyiv District Court of Kharkiv city of May 1, 2023 on the application of a preventive measure for the detention of the suspect PERSON_9 ( PERSON_10 ) shall remain unchanged.

The decision takes legal effect from the moment of its announcement and is not subject to appeal in the cassation procedure.

Board of judges:

PERSON_2 PERSON_12 PERSON_4

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| Date of decision | 05/29/2023 |
| Published | 02.06.2023 |

## Court register for the case — 953/2692/23

| Decision dated 01.06.2023 | Decision dated 01.06.2023 | Resolution dated 04/30/2023 |
|---|---|---|
| Criminal | Criminal | Criminal |
| KHARKIV COURT OF APPEALS | KHARKIV COURT OF APPEALS | KHARKIV COURT OF APPEALS |
| Hertsyk R. V. | Hertsyk R. V. | Yefimenko N. V. |